HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 2782 of 2006

Between:

In Re.

The State of Andhra Pradesh,
Represented by its District Collector,
Nellore district, Nellore and others.

:ORDER:

Counsel for respondent Nos.1 & 3 : Government Pleader for Mines
and Geology.
Counsel for respondent No.2 : Shri S.V. Bhatt
Counsel for respondent No.4 : Ms. P. Vijaya Laxmi for Smt. N. Shoba

October 16, 2006:

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Per G.S. Singhvi, CJ

While disposing of Writ Petition No. 27357 of 2005 as withdrawn, the court had suo motu taken cognizance of the air pollution being caused by M/s. D.B.D.S. Stone Crusher Private Limited, Kandra village, Gudur mandal, Nellore district, which is said to have been granted lease for carrying mining operations in the land in Revenue Survey No.860 of Endodu Revenue Village, Gudur Mandal, Nellore district.

In furtherance of interim orders passed by the court, the Andhra Pradesh Pollution Control Board (for short 'the Board') submitted a report dated 21-09-2006 showing the result of Air Ambience Test carried out by the Officer of the Board.

On 27-09-2006, the Court recorded the undertaking given by Shri S.V. Bhatt that fresh Air Ambience Test will be carried out and report will be submitted to the court. He made a request for ten days time to file the report.

Today, Shri S.V. Bhatt produced report prepared by the Officer of the Board on the basis of Air Ambience Test

carried out on 20th September, 2006. He then stated that the consent granted by the Board to M/s. D.B.D.S. Stone Crusher Private Limited, Kandra village, Gudur mandal was valid upto 30th September, 2006 and that the application, if any, filed by the industry for grant of consent or renewal thereof will be decided keeping in view the latest Air Ambience Test report or other reports which may be obtained by the Board.

In view of the statement made by Shri S.V. Bhatt, it is clear that as on date the industry does not have the consent to operate.

Therefore, the writ petition is disposed of with a direction that the application, if any, made by the industry for grant/renewal of consent shall be decided after carrying out necessary Air Ambience Test and on being satisfied that the pollution caused by the industry is within the prescribed parameters.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

16-10-2006
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